

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M - 10 1503

- - - - - X TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT IN
SUPPORT OF ARREST WARRANT

- against -

(18 U.S.C. § 875(c))

VINCENT P. MCCRUDDEN,

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

JAMES McCARTHY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that from on or about December 16, 2010 to the present, within the Eastern District of New York and elsewhere, defendant VINCENT P. MCCRUDDEN did knowingly and intentionally transmit in interstate and foreign commerce a communication containing a threat to injure the person of another, specifically, a threat to kill any and all of 47 current and former officials of the U.S. Securities & Exchange Commission ("SEC"), the Financial Industry Regulatory Authority ("FINRA"), the National Futures Association

("NFA") and the U.S. Commodity Futures Trading Commission ("CFTC").

(Title 18, United States Code, Sections 875(c) and 2).

Upon information and belief, there is probable cause to believe that on or about September 30, 2010, within the Eastern District of New York and elsewhere, defendant VINCENT P. MCCRUDDEN did knowingly and intentionally transmit in interstate and foreign commerce a communication containing a threat to injure the person of another, specifically, a threat to kill D.D., an employee of the NFA.

(Title 18, United States Code, Sections 875(c) and 2).

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the FBI for approximately 19 years. The facts set forth in this affidavit are based on my personal knowledge, as well as information obtained from the review of documents and statements made to me by witnesses with knowledge of the relevant facts. In the portions of this affidavit that describe the contents of documents or statements of witnesses, they are reported in substance and in part, unless otherwise indicated. Because I submit this affidavit for the limited purpose of establishing probable cause to arrest the defendant, I have not set forth all

facts known to me about this investigation and case.

2. The CFTC is an agency of the United States Government that regulates commodity futures and options markets in the United States. Among other things, the CFTC enforces civil violations of the Commodity Exchange Act, 7 U.S.C. § 1a et seq., by bringing civil enforcement actions in federal court.

3. On or about December 1, 2010, the CFTC brought a civil enforcement action against defendant VINCENT P. MCCRUDDEN and two corporations controlled by MCCRUDDEN, Managed Accounts Asset Management, LLC and Alnbri Management, LLC ("Alnbri"). The suit alleges that MCCRUDDEN was a resident of Dix Hills, New York and that the two corporations maintained offices in Dix Hills.¹ The CFTC alleged in its lawsuit that MCCRUDDEN and the two corporations operated unregistered commodity pools, contrary to the Commodity Exchange Act. The CFTC sought civil monetary penalties and to enjoin MCCRUDDEN and the corporations from operating unregistered commodity pools.

¹ The FBI has developed information from a source that MCCRUDDEN has been living in Singapore for the last few months. This information has been confirmed by records obtained from the server host of a website maintained by MCCRUDDEN, which show that MCCRUDDEN logged into the website from Singapore as early as October 8, 2010. Agents of the Federal Protective Service have also confirmed that MCCRUDDEN left his apartment in Long Beach, NY, which was his last known U.S. residence, in or about September 2010. That apartment was rented to other individuals as of September 15, 2010.

4. On or about December 14, 2010, the CFTC issued a press release in which it announced that it had brought the above civil suit against defendant VINCENT P. MCCRUDDEN and the corporate defendants. The press release identified the attorneys from the CFTC's Division of Enforcement who were handling the case. The press release resulted in news stories about the lawsuit to be published in various industry journals, including the website hedgeweek.com.

5. On or about December 16, 2010, defendant VINCENT P. MCCRUDDEN sent T.M., one of the CFTC attorneys handling the lawsuit, an email with the subject line "re: You corrupt mother fucker! You're not getting away with this....Merry Christmas!" In his email, MCCRUDDEN stated:

You fucking corrupt piece of shit! I have let so many of you fucking corrupt mother fuckers off the hook for doing this to my life. You my friend are not getting away with this. I am going to do this my way now and you, your corrupt mother fucking piece of shit are first on my list! Laugh mother fucker....I am going to make you a test case! Hand cuff, arrest me, make this as high profile as you want. This has been personal since that other corrupt piece of shit [D.D.] and the NFA started this crap in 1997. You can tell that fucking corrupt piece of Goldman Sachs shit [G.G.] I am coming after him as well.

Oh, and your "ban"...shove them up your fucking ass you corrupt mother fucker!!!!

D.D. is an attorney at the NFA that has participated in enforcement actions against MCCRUDDEN in the past. G.G. is the

Chairman of the Commodity Futures Trading Commission. This email also contained a link to the hedgeweek.com news story regarding the CFTC's civil suit against MCCRUDDEN.

6. Approximately sixteen hours later, defendant VINCENT P. MCCRUDDEN sent an email to the other CFTC attorneys identified in the press release described above and to the Chairman of the CFTC in which he stated:

Hey fucking morons..

1. Make sure you all show up with [T.M.] and that fucking corrupt fucking midget [G.G] when you serve me papers. I have something ready for you all
2. Make sure you introduce yourselves to me when we meet in court...I will have something there as well for you just in case you fucking cunts are too coward [sic] to not show up and serve me papers in person

I can see two of you are either terrorist or Al Qaeda or something. We have soldiers looking all over the world, and there you are working right there at the good ole boys club of the CFTC. As twice survivor of WTC attacks, I find it pretty funny. Bring your helmets...you all put your name to the wrong fucking person. Fucking cunts!

7. At various times between December 17, 2010 and December 19, 2010, law enforcement officials located in the Eastern District of New York and Washington, DC visited Alnbri's website at www.alnbri.com. As of December 17, 2010, the website's home page identified defendant VINCENT P. MCCRUDDEN as Alnbri's "Principal," while a page entitled "About Us" identified

MCCRUDDEN as the "CEO." Another page on the web site entitled "Government Regulation" contained the following statement:

CFTC, Finra, NFA & SEC are corrupt and should be abolished!

The CFTC (Commodity Futures Trading Commission), NFA (National Futures Association), SEC (Securities & Exchange Commission), and Finra (Financial Industry Regulatory Authority) are corrupt Government and Quasi Government agencies and should be abolished. Civil disobedience is the only way to stop these fiefdoms. **Corrupt and biased processes that favor big business and punish the small guy in a deliberate anti competitive campaign can only end with violence against these life long lawyers that work at these agencies.** There are no fair courts, forums or jurisdictions that can hold these people accountable. How can you have a Treasury Secretary in Tim Geithner that has enabled Goldman Sachs to steal billions over the years as a New York Fed official, cheat on his own taxes, and be nominated and accepted as Treasury Secretary with his name on our currency? How can you have a life long bureaucrat like Mary Schapiro who ran the CFTC & Finra and be "promoted" to the top position of the top regulatory authority of our markets at the SEC, when she has made tens of millions as head of Finra, and on her watch, she aided and abetted Bernie Madoff and the greatest fraud in history? A person who didn't do a single trade in 19 years???? My fellow countrymen, why are you standing by when the Federal Reserve "lends" out over \$9 Trillion dollars of your money to foreign banks and hedge funds, while you cannot borrow a dime, and your children and grandchildren are left holding the bill? I mean Pimco needed over \$7 Billion dollars??? **This has got to stop and stop now. Quit your jobs. Stop paying your taxes. Go buy a gun, and lets get to work in taking back our country from these criminals. I will be the first one to lead by example.**

(emphasis added). Also, as of December 17, 2010, the website contained another page entitled "Execution List" in which MCCRUDDEN stated:

There are no good ways to execute this plan. These people have got to go! And I need your help, there are just too many for me alone[.]

Below this language appeared a list of the names of 47 current and former officials of the SEC, FINRA, the NFA and the CFTC. The names included the Chairperson of the SEC, the Chairman of the CFTC, a former Acting Chairman and Commissioner of the CFTC, the Chairman and CEO of FINRA, the former chief of Enforcement at FINRA, D.D. T.M. and the other CFTC attorneys assigned to the CFTC's civil case described above.

8. As of December 19, 2010, defendant VINCENT P. MCCRUDDEN'S Alnbri website also contained a page entitled "Information Needed" in which MCCRUDDEN sought "the home numbers, addresses and any background information on the following corrupt Government people[.]" Below that language, MCCRUDDEN listed nine people, including the Chairperson of the SEC, the Chairman of the CFTC, T.M., D.D. and other employees of the CFTC, NFA and FINRA in Washington and New York.

9. As of December 20, 2010, defendant VINCENT P. MCCRUDDEN added the following language to the "About Us" page of the website:

Rewards will be paid of up to USD \$100,000 for personal information on the people named on this site, and also the validation and proof of punishment against these criminals. No more hiding behind the veils of their entities

10. Defendant VINCENT P. MCCRUDDEN has been the subject of various enforcement or disciplinary proceedings at the NFA, FINRA

and the CFTC for several years. MCCRUDDEN has responded to these proceedings with other threatening communications. For example, on or about November 19, 2010, MCCRUDDEN sent an email to members of the National Adjudicatory Council, a group of law and business professors and individuals in the financial industry that reviews initial decisions rendered in FINRA disciplinary hearings against stockbrokers and others who hold FINRA licenses. MCCRUDDEN expressed frustration with various enforcement actions taken against him in recent years by the NFA, CFTC and FINRA. MCCRUDDEN then stated in part:

. . . I will fight and seek revenge. I do not have a forum to fight this powerful cottage industry, so I will arrange my own court and punishment. So, I am making a list. And I will execute revenge. And lucky you NAC ambassadors, you're on it!

. . . You are all weak and my belief is should be executed or imprisoned for crimes against innocent people.

The defendant signed this communication "Vincent McCrudden."

11. On or about September 30, 2010, D.D. received an email from a gmail account in the name of the Chairman of the CFTC containing the subject line "You're a Dead Man!" This email was sent from an internet protocol address located in Singapore. The fact that this email was sent from Singapore, where the defendant currently lives, the targeting of D.D., the focus on the CFTC Chairman and the similarity of this email's language to that contained in other emails from defendant VINCENT P. MCCRUDDEN

suggest that MCCRUDDEN sent this email as well:

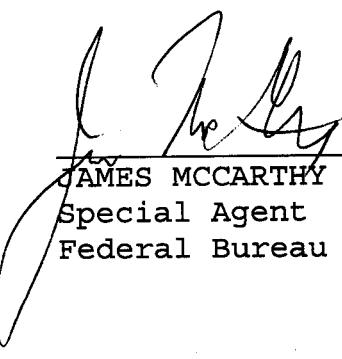
It wasn't ever a question of "if" I was going to kill you, it was just a question of when. And now, that question has been answered. You are going to die a painful death. Why, because you deserve to and it should have been done a long time ago. You have ruined too many lives and continue to expand your evil empire. . . . I have researched some talented people who have agreed to help me towards this end. . . . We have done research. We know where you live now and what your travel plans are.

This email was signed "Your Friend [G.G.'s first name] from Brussels who may not make it back either!" G.G. has informed law enforcement officials that he had given a speech in Brussels two days before this email was sent, which speech attracted media attention. G.G. stated he left Brussels a day early than originally scheduled to avoid delays resulting from a strike at the Brussels airport.

12. On or about January 15, 2007, defendant VINCENT P. MCCRUDDEN sent the then Chairman of the CFTC a letter postmarked Long Island in which he expressed frustration with the CFTC's proceedings against him. MCCRUDDEN concluded his letter by stating in part "So, . . . , you picked the wrong guy to mess with. All you assholes think your [sic] untouchable because of the faith and trust President Bush put into you by placing you there in the first place. . . . I will avenge Justice someway, somehow with my own rules now going forward. Obviously, there is no one left to protect me and my family."

WHEREFORE, your deponent respectfully requests that a

warrant be issued for the arrest of defendant VINCENT P. MCCRUDDEN so that he may be dealt with according to law. Because of the nature of this application, your deponent also requests that this affidavit and the arrest warrant for the defendant be sealed and remain under seal until further order of the Court, except that the FBI may disclose this affidavit and the arrest warrant as necessary to effectuate the arrest and arraignment of the defendant.



JAMES MCCARTHY
Special Agent
Federal Bureau of Investigation

Sworn to before me this
21st day of December, 2010

HONORABLE E. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK